

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R7-2007-0031
MANDATORY MINIMUM PENALTY
IN THE MATTER OF
CITY OF CALIPATRIA, OWNER/OPERATOR
MUNICIPAL WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM
CALIPATRIA - IMPERIAL COUNTY

This order to assess Administrative Civil Liability (ACL) pursuant to California Water Code (CWC) Section 13385 is issued to the City of Calipatria (hereinafter Discharger), based on a finding of violations of NPDES Waste Discharge Requirements (WDR) Board Order No. R7-2005-0085 (NPDES Permit No. CA0105015).

The Colorado River Basin Regional Water Quality Control Board (Regional Board) finds the following:

1. The Discharger owns and operates the Calipatria Wastewater Treatment Plant (WWTP), which services the City of Calipatria and the Calipatria State Prison. The Discharger's WWTP is located at 106 Lindsey Road, Calipatria, CA 92233. The WWTP is designed to treat 1.73 million gallons of flow per day.
2. On June 29, 2005, the Regional Water Quality Control Board, Colorado River Basin Region, (hereinafter, Regional Board) adopted WDR Order No. R7-2005-0085 (NPDES Permit No. CA0105015), for the City of Calipatria, to regulate discharges of treated wastewater into the "G" Drain. The Discharger's WWTP is a publicly owned treatment works (POTW) and discharges its effluent into the "G" Drain that flows to the Alamo River, which is a tributary to the Salton Sea. The "G" Drain, Alamo River, and Salton Sea are waters of the United States.
3. CWC Section 13323(b) provides that the Regional Board shall conduct a hearing within 90 days after issuance of an ACL Complaint. It provides further that the party served with the complaint may waive the right to a hearing.
4. CWC Section 13385(h)(1) requires the Regional Board to assess a mandatory minimum penalty (MMP) of three thousand dollars (\$3,000) for each serious violation.
5. CWC Section 13385(h)(2) states, in part, the following: "For the purposes of this section, a 'serious violation' means any waste discharge that violates the effluent limitations...for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more, or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more."
6. CWC Section 13385(k) states:

"In lieu of assessing all or a portion of the mandatory minimum penalties pursuant to subdivision (h) and (i) against a POTW serving a small community, as defined by subdivision (b) of Section 79084, the state board or the regional board may elect to require the POTW to spend an equivalent amount toward the completion of a compliance project proposed by the POTW, if the state or regional board finds all of the following:

- (1) The compliance project is designed to correct the violations within five years.
 - (2) The compliance project is in accordance with the enforcement policy of the state board.
 - (3) The POTW has demonstrated that it has sufficient funding to complete the compliance project.”
7. On February 19, 2002, the State Water Resources Control Board adopted Resolution No. 2002-0040 amending the Water Quality Enforcement Policy (Policy). The Policy was approved by the Office of Administrative Law and became effective on July 30, 2002. In accordance with Section X of the Policy, among other requirements, Compliance Projects (CPs) proposed by the POTW must be designed to correct the violations in five years and also comply with the general conditions specified for CPs in the Policy.
 8. On June 29, 2005, the Regional Board adopted WDR Order No. R7-2005-0085 (NPDES Permit No. CA0105015) for the Discharger’s WWTP.
 9. WDR Board Order No. R7-2005-0085 includes the following interim effluent discharge limitations:

Effluent Limitation IV.A.2.a:

“During the period beginning June 29, 2005 and ending before May 18, 2010, the discharge of treated wastewater shall maintain compliance with the following limitations at [Discharge Point] 001, with compliance measured at Monitoring Location M-001 as described in the attached Monitoring and Reporting Program (Attachment E). These interim effluent limitations shall apply in lieu of the corresponding final effluent limitations specified for the same parameters during the time period indicated in this provision.”

Constituent	Units	Effluent Limitations	
		Average Monthly	Maximum Daily
Copper	µg/L	14	14
	lbs/day	0.20	0.20
Free Cyanide	µg/L	30	30
	lbs/day	0.43	0.43

10. Monitoring reports submitted by the Discharger show that the wastewater discharged from the Discharger’s WWTP was in violation of its WDRs effluent limitations cited in Finding No. 9 above.
11. A summary of each violation of Board Order No. R7-2005-0085 is contained in Attachment “A,” which is incorporated in and made a part of this ACL Order No. R7-2007-0031 by reference.
12. The total amount of the MMP for the violations cited in Attachment “A” is \$18,000.
13. On January 24, 2007, the Regional Board Assistant Executive Officer issued ACL Complaint No. R7-2007-0024 proposing that the Discharger pay eighteen thousand dollars (\$18,000) in ACL (MMP) for the violations.

14. On February 7, 2007, the Discharger proposed the implementation of a CP described in Attachment "B" which is made a part of this Board Order by reference. Regional Board staff approved this CP as proposed. The ACL Complaint was rescinded on April 25, 2007.
15. The Regional Board has notified the Discharger and the general public of its intent to hold a hearing on this matter within 90 days from the date the Complaint was issued unless the Discharger waives its right to a hearing under CWC Section 13323(b). The Discharger waived its right to a hearing on this matter as set forth in Attachment "B".
16. The Regional Board heard and considered all comments pertaining to this matter in a public meeting.
17. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Section 15321(a)(2), Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to CWC Section 13385, that the Discharger is assessed eighteen thousand dollars (\$18,000) in ACL (MMP) for the violations set forth in Attachment "A". In lieu of paying an ACL in the amount of eighteen thousand dollars (\$18,000), the Discharger shall implement the proposed CP described in Attachment "B" in accordance with the following:

1. The Discharger shall comply with the State Board Enforcement Policy relating to implementation of CPs.
2. The CP shall be implemented in accordance with the time schedule stipulated in Attachment "C", appended to and made a part of this Board Order by reference. The Regional Board Executive Officer may modify the stipulated completion date and approve an alternative completion date for each phase of the CP if he determines that a delay is necessary for a timely return of the Discharger to full and sustained compliance with its WDR, and is beyond the reasonable control of the Discharger. Under no circumstances may the completion date extend beyond 5 years from the date of this Order.
3. If the Discharger completes a stipulated phase of the CP to the satisfaction of the Executive Officer by the approved date, the corresponding portion of the ACL indicated in Attachment "B" shall be permanently suspended. Similarly, if the Discharger fails to complete any stipulated phase of the CP to the satisfaction of the Executive Officer by the approved date, and the Executive Officer has not approved an extension in the completion date, the corresponding portion of the ACL shall become due and payable by the Discharger within 30 days of being so informed in writing.
4. Previously suspended amounts do not relieve the discharger of the independent obligation to take necessary actions to achieve compliance.
5. Completion of each stipulated phase and the whole CP shall be certified in writing by the Executive Officer. No portion of the ACL shall be suspended without a written certification issued by the Executive Officer.

Administrative Civil Liability Order No. R7-2007-0031
City of Calipatria WWTP

6. The Discharger shall implement Monitoring and Reporting Program No. R7-2007-0031 and revisions thereto.
7. The Discharger shall submit all unspent ACL amounts, made payable to the "State Water Pollution Cleanup and Abatement Account," to the following address:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

I, Robert Perdue, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on May 16, 2007.



ROBERT PERDUE, Executive Officer

ATTACHMENT "A"

Summary of Violations of Board Order No. R7-2005-0085 Mandatory Minimum Penalties

Assessed Violation¹ No.	Date Occurred	Description of Violation	Serious Violation Defined by CWC 13385(h)	Amount Assessed Dollars (\$)
365866	01/16/2006	Incomplete 2005 Annual M&R (Missing inorganic, pesticides and polychlorinated biphenols and incomplete priority pollutants data set)	No	0
423185	04/05/2006	Exceeded Daily Maximum Limit of 30 µg/L for Free Cyanide Reported value = 40 µg/L	Yes	3,000
423186	04/30/2006	Exceeded Average Monthly Effluent Limit of 30 µg/L for Free Cyanide Reported value = 40 µg/L	Yes	3,000
439029	09/13/2006	Exceeded Daily Maximum Limit of 14 µg/L for Copper Reported value = 19 µg/L	Yes	3,000
439090	09/30/2006	Exceeded Average Monthly Effluent Limit of 14 µg/L for Copper Reported value = 19 µg/L	Yes	3,000
444429	10/11/2006	Exceeded Daily Maximum Limit of 30 µg/L for Free Cyanide Reported value = 37 µg/L	Yes	3,000
444428	10/31/2006	Exceeded Average Monthly Effluent Limit of 30 µg/L for Free Cyanide Reported value = 37 µg/L	Yes	3,000

Accrued Mandatory Minimum Penalty: \$18,000

Total: \$18,000

¹ Data Source: California Integrated Water Quality System (CIWQS)

ATTACHMENT "B"

City of Calipatria



125 North Park Avenue
Calipatria, California 92233
Telephone: (760) 348-4141
Fax: (760) 348-7035

April 11, 2007

Doug Wiley
California Regional Water Quality Control Board,
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

Subject: ACLC No. R7-2007-0024

Dear Mr. Wiley:

On April 10, 2007 the Calipatria City Council approved a resolution to authorize the expenditure of up to \$25,000 for a Compliance Project to bring the WWTP back into compliance and prevent future noncompliance. A copy will be sent to your agency after the mayor signs it.

The resolution allows staff to hire a licensed civil engineer to prepare a compliance project as directed in the letter dated February 22, 2007 signed by Jose L. Angel, Assistant Executive Officer.

Please call me at (760) 348-4141 or (760) 996-2369 if you have any questions.

Sincerely,

Jesse Soriano
City Planner/Public Works Director

cc: City Council
Romualdo Medina, City Manager
Katy Lopez, Finance Officer
Ruben Mireles, WWTP Plant Operator

JS, MW, CRWQCB

RECEIVED
APR 12 2007
REGION 7

File: 74 13 0102 041, Order No. R7-2005-0085

RESOLUTION 07-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA
GIVING AUTHORIZATION TO PROCEED WITH PROPOSED COMPLIANCE
PROJECT FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
#R-72007-0024.**

WHEREAS, the City of Calipatria Wastewater Treatment Plant discharge has encountered violations with compliance on the treatment of Cyanide; *and*

WHEREAS, the State of California Quality Resources Board has issued an administrative civil liability complaint no. R-72007-0024 for non-compliance; *and*

WHEREAS, the City of Calipatria has submitted a proposed Compliance Project Plan to include an approved quality assurance plan and engineer's report; *and*

WHEREAS, the compliance project plan identifies the project goals, costs, milestones, and completion dates; *and*

WHEREAS, the City of Calipatria is proceeding with the procurement process to enter into agreement with a California Registered Civil Engineer; *and*

THEREFORE BE IT RESOLVED, the City of Calipatria is committed on completing the Compliance Project Plan and authorize staff to complete the procurement process Ordinance #317 and forward agreement for Council approval on April 24, 2007. Fiscal impact is estimated between \$15,000.00 to \$25,000.00, funds are programmed from enterprise fund Wastewater accounts, which can support this project.

PASSED and APPROVED this 10th day of April 2007 by the following vote:

AYES: O'Malley, Vasquez, Beltran, Navarro, Nelson

NOES: None

ABSTAIN: None

ABSENT: None

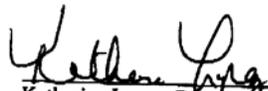




Raul Navarro, Mayor
CITY OF CALIPATRIA

ATTEST:

I, Katherine Lopez, Deputy City Clerk of the City of Calipatria, hereby certify the above and foregoing to be a full, true and correct copy of Resolution 07-17 adopted by said City Council on this 10th day of April 2007.



Katherine Lopez, Deputy City Clerk
CITY OF CALIPATRIA

ATTACHMENT "B"

04/25/2007 13:12 7603487035 CITY OF CALIPATRIA PAGE 01

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION (R-7)
COMPLIANCE PROJECT INFORMATION SHEET**

The following information is provided for the Compliance Project (CP) described below.

ACL No.: R-7-2007-0024 ACL Amount: \$18,000

Name of Discharger Under Permit: City of Calipatria

Contact Person: Jesse Soriano

Phone: (760) 348-4141 or (760) 996-2369 E-Mail: jsorianopublicworksplanner@calipatria.com

Name of Project: Calipatria Municipal Wastewater Treatment Plant

Project Description: (If necessary, attach additional sheets for project description)
Compliance Project to bring WWTP back into compliance in a timely manner and prevent future noncompliance by reducing or eliminating levels of cyanide in discharge.

GENERAL CONDITIONS FOR COMPLIANCE PROJECT (Please answer the following questions by circling your response)

1. Is the CP designed to bring the permit back into compliance in a timely manner and/or prevent future noncompliance? YES
2. Is the CP otherwise obligated to perform independent of the Administrative Civil Liability itself? YES
3. The CP information sheet has clearly identified project goals, costs, milestones and completion dates? YES
4. If the CP is longer than one year, annual reporting requirements will be provided to the Regional Board? YES

If CP is less than one year please provide the estimated project start date and completion date:

Estimated Project Start Date: June 2007 Estimated Project Completion Date: December 2007

If CP is greater than one year please provide the following:

PROJECT GOALS, COSTS, MILESTONES AND COMPLETION DATES
If CP will take longer than one year to complete, please provide the information in Item No. 3 of the General Conditions for CP: (If necessary, attach additional sheets)

Items to be identified include the following

1. Action or Task to be Completed	Start Date	End Date
2. Milestone report due at end of year one	Date Due	Cost (Portion of ACL associated with milestones)

Total Estimated Project Cost (including funds from other sources): \$25,000

SIGNATURE: Jesse Soriano Date: April 25, 2007

Name: Jesse Soriano Position: Public Works Director

Upon completion of the CP, you are required to submit a final report of the project, which includes a certification that this project is complete; provide copies of receipts, invoices, etc. to substantiate the expenses that the proposed administrative penalties have been spent.

ATTACHMENT "C"

STIPULATED TIME SCHEDULE FOR THE IMPLEMENTATION OF COMPLIANCE PROJECT

Description of CP Phase	Start Date	Completion Date	Estimated Cost	Corresponding Portion of ACL That May Be Suspended
Reduce or eliminate levels of cyanide in discharge	June 2007	December 2007	\$25,000	\$18,000
Total:			\$25,000	\$18,000